



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

Date: December 3, 2009

To: Planning Commission

From: Paul Stewart, Deputy Planning Director
Eric Shields, Planning Director

Subject: Planning Commission Retreat and Planning Work Program

Introduction

The Planning Commission's annual retreat is scheduled for December 10th from 6:00 – 9:00 pm at the meeting room at McAuliffe Park (10824 NE 116th Street). The entrance to the facility is from 108th Avenue.

The retreat will cover the following subjects:

- Review of 2009 projects and workload
- Review of the draft 2010-2012 Planning Work Program
- Discussion on specific items

Review of 2009 Planning Commission Projects

Once again, the Planning Commission had a full agenda in 2009. Attachment 1 lists the Commission meetings and topics. The three main issues the Commission focused on in 2009 were the Shoreline Master Program (SMP), Affordable Housing Regulations and an update to the tree regulations. The SMP was approved by the City Council on December 1st and preparations are underway to transmit it to the Department of Ecology following a final review by the Houghton Community Council which is scheduled for December 14th.

At the December 1st meeting, the City Council acknowledged the outstanding work that the Commission did on the SMP considering the complexity of this task. In addition, the Council recognized the efforts of the Commission to respond to input from the shoreline property owners and provide a comprehensive set of options and flexible standards. The SMP as approved by the City Council basically follows all the recommendations of the Commission. From staff's perspective, it was very helpful to have the Commission in attendance and participating in the study sessions with the Council on the SMP.

In regards to the tree and housing regulations, the Council reviewed these at their regular meeting on December 1st and is likely to take action on December 15th. Based on initial comments the Council is in general agreement with the Planning Commission's recommendation on these projects.

Planning Work Program

The Planning Work Program establishes the priority projects, schedule and staffing levels for the major long range planning tasks. While the schedule shows a three year time frame, the primary focus is 2010. However, some of the major tasks will begin in 2010 and be completed in 2011.

Each year at the retreat the Planning Commission reviews the proposed work program and then makes a recommendation to the Council at a joint meeting to be held on **February 2, 2010**. The Draft 2010 – 2012 Planning Work Program is included as Attachment 2. Attachment 3 is the summary of the individual tasks noted in the work program. *(Note: Attachment 4 is the current adopted work program that the City Council adopted on May 19th, 2009 following the joint meeting with the Planning Commission).*

As in 2009, the City still faces significant budget constraints. Revenues from sales tax, development fees and utility tax continue to stay flat or decline. The Planning Department has lost the equivalent of roughly 5 FTE's (staffing positions, interns and contract planners) over the past two years. In addition, there is no available budget for comprehensive planning, critical area regulations or neighborhood plans. (e.g. special notices, professional services, economic analysis, etc.).

Major work program tasks for 2010 include:

- Complete work on the Shoreline Master Program (Task 6)
- Review and reconsider the Comprehensive Plan/Zoning and the EIS and Planned Action Ordinance for the Touchstone redevelopment (Park Place) (Task 1)
- Complete work on the Lakeview and Central Houghton Neighborhood Plans (Task 2)
- Initiate the GMA Comprehensive Plan Update (Task 1)
- Initiate work on the critical area regulations (Task 6)

These projects are described in more detail in Attachment 3. Unknown as of the date of the retreat is decision on the potential annexation area (Task 9). The Council is scheduled to take action on December 15th. Another note of interest is that the City did not receive any private amendment requests by the December 1 deadline.

Discussion questions for the Commission to consider at the retreat are:

- Is the Commission in general agreement with the proposed Planning Work Program?
- Are there any specific questions the Commission has regarding the proposed tasks or projects?
- If staffing and Commission time is available should the City undertake additional neighborhood plans in 2011 concurrent with the GMA update?

Following the retreat, staff will prepare the final proposed work program for review by the Commission at your January 14th meeting. By then we should know the results of the Council's action on annexation. In addition, at that meeting, the Commission should identify other topics for discussion at the February 2nd City Council joint meeting.

PC Standards of Conduct

At the November 16th Planning Commission meeting, the Commission expressed an interest in looking at other communities standard of conduct for planning commission meetings and members. We have contacted several cities but have not been successful in tracking down specific "standards of conduct". Many have rules of procedure similar to Kirkland (Attachment 5). Seattle has an Ethics Management Plan (Attachment 6). Attachment 7 is Olympia's Rules of Procedure for Committees. We will continue to contact other cities to see what is available and pass those on to the Commission.

Attached are excerpts from the Planning Commission Orientation Manual that also provides some guidance on this. It includes Tips on Being an Effective Planning Commissioner and the Riggins Rules (Attachment 7).

Process for Selecting Chair and Vice-Chair

According to the adopted Rules of Procedure, the Commission selects the chair and vice chair at the first regular meeting each May by a majority vote of the Commission. The Commission has traditionally selected these positions based on "next-in-line" as new members join the Commission. The Commission expressed an interest in discussing this item at the retreat.

Attachments

1. Planning Commission 2009 Agenda Topics
2. Draft 2010-2012 Planning Work Program
3. Summary of Work Program Tasks
4. Adopted 2009-2011 Work Program
5. Planning Commission Rules of Procedure
6. Seattle Ethics Management Plan
7. City of Olympia Rules of Procedure
8. Tips for Being and Effective Planning Commissioner

Attachment 1
Planning Commission Agenda Topics for 2009

Meeting Date	Topic	Meeting Type
January 8	Kirkland's Shoreline Master Program Update Non-Motorized Active Transportation Plan Discussion Topics – February 12, 2009 Retreat	Study Session Study Session Study Session
January 22	Kirkland's Shoreline Master Program Update	Study Session
February 12	Planning Commission Retreat and Planning Work Program	
March 12	Kirkland's Shoreline Master Program Update	Study Session
March 26	Bridle Trails Shopping Center PAR Plaza at Yarrow Bay PAR Affordable Housing Regulations TL6 Zone	Study Session Study Session Study Session Study Session
April 9	Kirkland's Shoreline Master Program Update – Focus Group Topics	Study Session
April 23	Kirkland's Shoreline Master Program Update	Study Session
May 14	Draft Amendments to Zoning Code for Affordable Housing – TL6A Affordable Housing Regulations Tree Regulation Amendments	Hearing Study Session Study Session
May 28	Kirkland's Shoreline Master Program Update	Study Session
June 11	Tree Regulation Amendments 2009 CPA Projects	Study Session Study Session
June 25	Kirkland's Shoreline Master Program Update	Study Session
July 9	Kirkland's Shoreline Master Program Update	Study Session
July 23	Kirkland's Shoreline Master Program Update	Hearing
August 13	Kirkland's Shoreline Master Program Update Tree Regulations Affordable Housing Regulations	Hearing Study Session Study Session
August 27	Kirkland's Shoreline Master Program Update	Hearing
September 10	Kirkland's Shoreline Master Program Update Comprehensive Plan Amendments (CPA's) 2009 Central Houghton and Lakeview Neighborhood Plans	Hearing Hearing Study Session
September 24	Tree Regulation Update Affordable Housing Regulations	Study Session Study Session
October 8	Lakeview and Central Houghton Neighborhood Plans	Study Session
November 5	Tree Regulation Update Affordable Housing Regulations	Hearing Hearing
November 16	Affordable Housing Regulations	Hearing
December 10	Planning Commission Retreat	

PROPOSED 2010 – 2012 PLANNING WORK PROGRAM: LONG RANGE TASKS December 10, 2009

				2010												2011				2012			
TASK	PROJECT MANAGER	2009 STAFF		J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th
POLICIES, PLANS & REGULATIONS																							
1	Comprehensive Plan		1.8 FTE																				
	• 2010-2011 GMA/Comp Plan	Swan																					
	• Transp. Principles/Policy	PW - Godfrey																					
	• Private Amendment Requests																						
	• Touchstone Planned Action	Ruggeri																					
2	Neighborhood Plans		2.0 FTE																				
	• Lakeview Plan	Soloff																					
	• Central Houghton Plan	Ruggeri																					
	• Bridle Trails & South Rose Hill																						
	• Everest and Moss Bay																						
3	Downtown Parking	Godfrey/McMahan	.1 FTE																				
4	Code Amendments		.4 FTE																				
	• Code enforcement consolidation	Cox																					
	• Misc. Code Amend	Brill																					
5	Housing		.6 FTE																				
	• Affordable Housing Regs																						
	• TOD @ Park & Ride	Collins																					
	• Housing Preservation	Collins																					
	• Affordable Housing Strategies	Nelson/ARCH																					
6	Natural Env/Stewardship		2.7 FTE																				
	• Shoreline Master Program	Swan																					
	• Critical Area Regs																						
	• Urban Forestry Program	Powers																					
	• LID/Green Codes	Gaus/Barnes																					
	• Green Building Program	Barnes/Jensen																					
	• Green Team/Env. Stewardship	Stewart/Schroder																					
7	Database Management	Goble	.2 FTE																				
8	Regional Coordination	Shields	.1 FTE																				
9	Annexation	McMahan	1.0 FTE																				
	• Annexation Tasks																						
	Planning Commission Tasks																						
	Other Tasks																						



2010-2012 PLANNING WORK PROGRAM

Summary of Tasks

Planning & Community Development

December, 2009

POLICIES, PLANS & REGULATIONS

Task 1: Comprehensive Plan Update (1.8 FTE)

Comprehensive Plan

In 2009 we initiated a number of amendments to the Comprehensive Plan including minor housekeeping amendments, an updated Capital Facilities Plan and policies regarding the Totem Lake Urban Center. The amendments were adopted in October 2009.

The Growth Management Act (RCW 36.70A.130) requires cities and counties to review and if needed, revise their comprehensive plans and development regulations every seven years. The schedule for King County and all cities in the County (including Kirkland) is December 1, 2011. In order to meet this time frame, the Planning Work Program shows this task beginning in mid 2010.

The City is currently engaged in a process to allocate new housing and employment targets for 2031 to all the cities and King County through the countywide planning process. As part of the 2010-2011 plan update, Kirkland will need to determine how and where to accommodate the targets in the land use plan. As a result we would also be considering a revised transportation plan based on the new horizon year of 2031 along with possible amendments to our level of service standards for capital facilities.

Depending on the scope of the update, this could include a revised vision statement, a new Environmental Impact Statement and updated land use, transportation and capital facilities plans. Over the next several months staff will be preparing an approach, scope and schedule for this major project for review by the Commission.

Transportation Principles and Policies

Public Works has indicated an interest on the part of the Transportation Commission to explore a new direction on transportation that does not focus on the automobile. The initial effort would be to establish principles to form the basis decision-making and recommended policy changes. These principles are:

- Move people
- Be sustainable
- Create partnerships
- Link to land use

Once these principles are agreed upon, amendments to the City's Comprehensive Plan and concurrency system would occur. This would also guide CIP projects and transportation funding. The Transportation Commission will be meeting with the Planning Commission on January 14th to discuss this approach in more detail.

Private Amendment Requests

December 1, 2009 was the deadline for private amendment requests applications to be submitted (every two years). We did not receive any private amendment requests.

Based on our two year schedule the next deadline is December 1, 2011. The City could consider private amendment requests as part of the 2010-2011 GMA plan update.

Touchstone SEIS and Planned Action Ordinance

Davidson Serles & Associates filed two appeals and challenges on the Park Place project – one to King County Superior Court and the other to the Central Puget Sound Growth Management Hearings Board (the Board). Both matters are described below.

1. Davidson Serles & Assoc. v. City of Kirkland, et al., King County Superior Court No. 09-2-02204-6:

This was an action for declaratory and injunctive relief. The action challenged the adequacy of the Environmental Impact Statement (EIS) prepared for the Planned Action Ordinance, Master Plan, Comprehensive Plan amendments, and Zoning Code related to the Touchstone and Altom private amendment requests. The action alleged that the EIS failed to identify, consider, and evaluate a full range of alternatives for the proposed action.

The plaintiff sought to have the Court declare that the EIS was inadequate and to have the City enjoined from taking action to implement the ordinances referenced above. Touchstone filed a motion seeking the dismissal of the Superior Court action in which the City joined. A hearing on the motion was held May 1, 2009. On June 4, 2009, the Judge issued her decision granting summary judgment and dismissing the case. The plaintiff filed a motion to ask the Judge to reconsider her decision which was denied. The plaintiff has filed an appeal with the Court of Appeals.

2. Davidson Serles & Assoc. v. City of Kirkland, et al., Central Puget Sound Growth Management Hearings Board No. 09-3-0007c:

This is the petition before the Central Puget Sound Growth Management Hearings Board (Board). The petitioners, Davidson Serles and Continental Plaza, sought review of Ordinance Nos. 4170 and 4171 which amended the Comprehensive Plan and Zoning Code, respectively, in association with the private amendment request for the Parkplace project. Among other grounds, the petitioners challenged the ordinances for: lack of compliance with the State Environmental Policy Act; inadequate service by transportation and other public facilities; lack of financing plans for capital improvements; intensity of development inconsistent with the County-wide Planning Policies for King County; and inadequate public facilities. A hearing was held before the Board on August 10, 2009.

The Board issued its Final Decision and Order (Order) on October 5, 2009. While it upheld the ordinances with respect to a number of the petitioners' objections, the Board found that the City should have considered additional alternatives to the Parkplace project and that it needed to more specifically address how necessary traffic improvements would be financed. The Board did not invalidate the ordinances; rather, it remanded them to the City for the purpose of correcting the issues identified by the Board. The Board established April 5,

2010, as the deadline for the City to take appropriate legislative action to comply with the Board's Order. [Need to describe here.]

Ordinances No. 4170 and 4171 remain valid during the remand period. RCW 36.70A.300(4) provides:

Unless the board makes a determination of invalidity as provided in RCW 36.70A.302, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand.

The City requested that the Board reconsider the portion of its decision finding the City's environmental review for Ordinance Nos. 4170 and 4171 was insufficient for failure to assess reasonable alternatives to the Touchstone Parkplace proposal, including additional alternatives. The Board denied the reconsideration. Both the City and Davidson Serles have also filed an appeal to some parts of the Board's decision to Superior Court.

Staff is currently developing a scope of work and schedule to prepare a Supplemental EIS and revise the Planned Action Ordinance to comply with the Board's decision. This will likely take several months with the Planning Commission reviewing the proposed SEIS and making a recommendation to the City Council following a public hearing.

Task 2: Neighborhood Plans (2.0 FTE)

The City initiated work on the Lakeview and Central Houghton Neighborhood Plans in late 2009. The Planning Work Program calls for completing those plans by the end of 2010. Due to the effort on the GMA Comprehensive Plan update, the next cycle of neighborhood plans would occur in 2012 (Bridle Trails and South Rose Hill). It may be possible to start another neighborhood plan earlier but that should be considered as part 2010 Commission retreat. In addition, if annexation is approved, the timing and priority for the three annexed neighborhoods should be a topic for next year's Planning Work Program.

Task 3: Downtown Parking Standards (.1 FTE)

The Parking Advisory Board (PAB) has previously requested a work program task to study CBD parking standards. The PAB met on December 3 and is intending on discussing this further with the Planning Commission. The draft work program shows this as a combination PAB and Planning Commission effort.

Task 4: Code Amendments (.4 FTE)

Code Enforcement Consolidation

The City is currently working to consolidate all of the City's code enforcement regulations, including tree code enforcement, into the Kirkland Municipal Code. Background information is being gathered by staff on how other jurisdictions regulate and process code enforcement actions. This project is currently underway with

proposed changes coming before the Planning Commission and City Council in early 2010.

Miscellaneous Code Amendments

We continue to maintain an extensive list of potential amendments and, as new issues arise, we are constantly adding to and updating the list. We strive to have an on-going code update task each year.

Task 5: Housing (.6 FTE)

Affordable Housing Regulations

Affordable housing is a priority for the City. The City Council created a Council Committee on housing which continues to meet. In 2004, the City adopted a package of incentives including density bonuses, tax exemptions and fee waivers, however to date the voluntary incentives have not been used. In 2009 the Planning Commission recommended ordinances establishing mandatory affordable housing requirements. The City Council reviewed these at a study session on December 1 and will likely take action on December 15th. No additional work on housing regulations is anticipated for 2010.

Transit Oriented Development (TOD) at Park and Ride Facilities

In December 2008, the City Council adopted amendments to the Comprehensive Plan that support "transit oriented development" including affordable housing at the South Kirkland Park and Ride facility. On January 26th, the Houghton Community Council approved the amendments but expressed strong interest in ensuring that their concerns and issues are addressed to their satisfaction with the zoning and design regulations. Part of the park and ride lot is located in Bellevue. Bellevue has recently indicated they are not interested in pursuing this issue; however staff is continuing to explore the potential for a Kirkland-only project.

Housing Preservation

For 2009 staff would like to focus specifically on preservation housing. This would entail an inventory of potential properties, contacting property owners to gauge interest and exploring options for preservation of existing housing.

Affordable Housing Strategies

There are a number of other on-going staff efforts on housing including working with ARCH (A Regional Coalition for Housing) on the Housing Trust Fund, preservation of affordable housing, funding programs, and education.

Task 6: Natural Resources/Environmental Stewardship (2.7 FTE)

Shoreline Master Program (SMP)

On December 1, the City Council approved the Shoreline Master Program generally in accordance with the Planning Commission's recommendation. The City will be transmitting the SMP to the Department of Ecology along with a required checklist that shows how the SMP meets the adopted State guidelines. DOE will then have a public comment period and will hold a public hearing. Following the hearing, DOE will review the SMP and prepare a decision letter with their findings along with any recommended

or required changes. These are transmitted to the City for consideration. If changes are necessary, the City Council could take action in response to DOE and either agree to the proposed changes or submit an alternative proposal for DOE's approval. This will likely take several months.

Critical Area Regulations

In accordance with state law, the City will need to amend its Critical Area Regulations by 2011. Based on experiences in other jurisdictions and comments from the Department of Ecology, our regulations will need to be revised particularly to address buffer widths and our wetland classification system. This may require funding resources to assist in this update due to the technical, scientific and environmental issues that need to be addressed. This project may also be the appropriate time to review our slope regulations.

Urban Forestry Program

The Planning Commission completed work on the tree regulations in November and transmitted a recommendation of approval to the City Council. The Council reviewed the proposed regulations at their meeting of December 1 and is scheduled to take action on December 15th.

In 2010, the focus will shift away from regulations to urban forestry management and education. With City Council's approval staff will undertake a canopy analysis as well as exploring a landmark tree program. The Urban Forester will also begin work on a citywide urban forestry management plan.

Low Impact Development (LID) and Green Codes

Efforts to adopt new standards to promote low impact development techniques and green codes have been deferred in the past due to staffing resources. It has been Kirkland's intent to move forward when feasible. Staff is available in 2010 to undertake this task in conjunction with the Public Works Department.

Green Building Program

In late 2007 the Council approved a green building program. The first phase entailed providing priority processing for certified "green" single family homes that have to meet either a Built Green or LEED standard (Leadership in Energy and Environmental Design). To date, six homes have been reviewed through this process and the City has 5 staff trained and accredited as LEED AP. Staff would like to continue this program. In the fall of 2008, staff provided a report to the Council and received direction to continue the program and to expand it to include multi-family and commercial buildings.

Natural Resource Management Plan and Environmental Stewardship

In 2003 the City adopted a Natural Resources Management Plan. The City has in place a "Green Team" consisting of representatives from several City departments that meet on a regular basis. Over the past year, the team has been coordinating its efforts on implementation actions (education, funding, and programs). We have also broadened our role to address greenhouse emissions in response to the US Mayors Climate Protection Agreement, of which the City is participating. The City Council adopted a climate action plan in April 2009.

<http://www.ci.kirkland.wa.us/Assets/Kirkland+Green/Kirkland+Green+PDFs/Climate+Protection+Action+Plan.pdf>

In 2009, our staff team focused on a variety of environmental stewardship efforts including sustainable communities, green buildings, green businesses and community outreach. In January, we held a "community conversation" on environmental stewardship and sustainability. A second "conversation" on the climate action plan was held on February 24, 2009. The Green Team is currently working on its priorities for 2010.

Task 7: Database Management (.2 FTE)

Database management consists of a number of sub-tasks such as our Community Profile, land use inventory, capacity analysis, housing data, etc. that are used for a variety of purposes including neighborhood plans and the Comprehensive Plan. In addition we are required to provide data on buildable lands and benchmarks to King County. The upcoming 2010 decennial census will require additional staff work over the next couple of years.

Task 8: Regional Coordination (.1 FTE)

This task involves participating on a variety of countywide and regional forums including the Puget Sound Regional Council, the King County Growth Management Planning Council, the Suburban Cities Association and Sound Transit.

Task 9: Annexation (1.0 FTE)

If annexation is approved there are a number of long range tasks that will be undertaken prior to the effective date (estimated to be mid-2011). Many of the projects noted above would involve the annexation area – particularly the GMA Comprehensive Plan update (Task 1), Shoreline Master Program and Critical Area Regulations (Task 6) and potentially neighborhood plans (Task 2). These are issues that the Planning Commission will be addressing. Other tasks are primarily staff work such as updating our planning maps and data.

ADOPTED 2009 – 2011 PLANNING WORK PROGRAM: LONG RANGE TASKS **May 19, 2009**

				2009												2010				2011			
TASK	PROJECT MANAGER	2009 STAFF		J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th
POLICIES, PLANS & REGULATIONS																							
1	Comprehensive Plan																						
	• 2009 Plan Update - General	Brill	.2 FTE																				
	• 2009 Plan Update - Concurrency	PW - Godfrey																					
	• Private Amendment Requests																						
	• 2010-2011 GMA/Comp Plan	Swan																					
2	Neighborhood Plans		2.0 FTE																				
	• Lakeview Plan	Soloff																					
	• Central Houghton Plan	Ruggeri																					
	• Bridle Trails & South Rose Hill																						
	• Everest																						
	• Moss Bay																						
3	Downtown	McMahan																					
4	Code Amendments																						
	• Misc. Code Amend (Fast Track)	Cox																					
5	Housing		1.2 FTE																				
	• Affordable Housing Regs	Collins/Nelson																					
	• TOD @ Park & Ride	Collins																					
	• Affordable Housing Strategies	Nelson/ARCH																					
6	Community Character																						
	• Small Lot Regulations																						
7	Natural Resources/Stewardship		1.8 FTE																				
	• Shoreline Master Program	Swan/Clauson																					
	• Critical Area Regs																						
	• Tree & Landscaping Revisions	Powers/Regala																					
	• LID Regs	Gaus/Barnes																					
	• Green Building Program	Barnes/Jensen																					
	• Green Team/Env. Stewardship	Stewart/Schroder																					
8	Database Management	Goble	.2 FTE																				
9	Regional Coordination	Shields	.1 FTE																				
10	Annexation																						
	• Bridleview Annexation	Brill	.2 FTE																				
	• Potential Annexation	Shields/McMahan	1.0 FTE																				
	<i>Planning Commission Tasks</i>																						
	<i>Other Tasks</i>																						

**RULES OF PROCEDURE
OF THE KIRKLAND PLANNING COMMISSION
OF THE CITY OF KIRKLAND**

**A RESOLUTION OF THE KIRKLAND PLANNING COMMISSION SETTING FORTH THE
RULES OF PROCEDURE FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS.**

Section 1. Meetings:

- A. Regular Meetings. The Planning Commission meets on the second and fourth Thursday of each month, in the Kirkland City Council Chamber, commencing at 7:00 p.m. unless otherwise noticed.
- B. Special Meetings. The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission.
- C. Open Meeting Requirements and Notification:
 - 1. The open meeting provisions of state law (RCW Chapter 42.30) shall apply to Planning Commission meetings.
 - 2. Notification procedures shall follow the requirements of the Kirkland Zoning Ordinance, Subdivision Ordinance, State Environmental Policy Act, Shoreline Management Act, and other regulations, as applicable.
 - 3. All special meetings shall be noticed by:
 - a. Delivering written notice personally by mail, fax, or by electronic mail at least 24 hours in advance to Planning Commission members.
 - b. Delivering written notice personally by mail, fax, or by electronic mail at least 24 hours in advance to the newspaper officially designated by the City of Kirkland and to each media publication which has filed a written request with the City.
 - c. Specification of the time and place of the meeting and the business to be transacted.
- D. Record. A record will be made of all public hearing proceedings and all other meetings. This record will normally be an audio recording by means of electronic equipment.
- E. Minutes. The Department of Planning and Community Development staff will prepare minutes of each meeting that include all pertinent information, motions, decisions made, and actions and votes taken.

Section 2. Officers:

- A. Appointment. The Planning Commission has the following officers:
 - 1. The Chair;
 - 2. A Vice Chair; and

3. Any other officer that the Planning Commission, by a majority vote, approves and appoints.
- B. Temporary Chair. If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.
- C. Duties of Officers. The duties and powers of the officers of the Planning Commission are as follows:
1. Chair:
 - a. To preside at all meetings of the Planning Commission;
 - b. To call meetings of the Planning Commission;
 - c. To sign documents of the Planning Commission;
 - d. To act as liaison between the Planning Commission and other City entities; and
 - e. To appoint Planning Commission members to serve on other city committees, advisory groups and task forces.
 2. Vice Chair: During the absence, disability, or disqualification of the Chair, or upon the request of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair. The Vice Chair shall also maintain any other responsibilities that are assigned to him/her by the Chair.

The Chair and Vice Chair and other officers shall be elected by a majority vote of the Planning Commission at the first regular meeting each May, and may be reelected.

Section 3. Order of Business:

- A. Generally, the Planning Commission will follow the following order of business at all meetings:
1. Call to order / roll call.
 2. Announcement of agenda.
 3. Comments from the audience on any topic that is not the subject of public hearing - limited to 3 minutes per speaker.
(Note: The chair may limit the comments to no more than three speakers on any one topic. If both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the chair.)
 4. Hearings.
 5. Study Sessions.
 6. Unfinished Business.
 7. New Business.
 8. Reading and/or approval of minutes.

9. Administrative reports and Planning Commission discussion.
10. Comments from the audience – limited to 3 minutes per speaker.
(Note: The chair may limit the comments to no more than three speakers on any one subject. If both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the chair.)
11. Adjournment.

- B. The order of business may be changed during the meeting by the Chair with the consent of a majority of the Planning Commission members present.

Section 4. Quorum:

A majority of the appointed members of the Planning Commission constitutes a quorum. A quorum must be in attendance before business can be transacted. Every motion by the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

Section 5. Disqualification:

No member of the Planning Commission should participate in any Planning Commission discussion or vote on any matter in which the member has a personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or an employer. Any disqualified member must leave the room when the matter is presented. The minutes shall show that the member left the room and abstained on that vote.

Section 6. Voting:

- A. Each member present at a meeting shall cast one vote on each motion. Voting may be by voice call or by roll call.
- B. Although it is the duty of every member to vote, a member may abstain. An abstention has the same effect as a negative vote.

Section 7. Vacancies:

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the City Clerk shall be immediately notified. If a member resigns, the member shall tender his or her resignation in writing to the Department of Planning and Community Development and City Clerk. The Chair of the Planning Commission shall request that the Mayor and City Council consider an appointment to the vacancy on the Planning Commission at the earliest possible time.

Section 8. Conduct of Meetings:

- A. *General.* The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible

presentation of information and discussion of matters before the Planning Commission while permitting the orderly and timely completion of Planning Commission business.

- B. *Use of Roberts Rules of Order.* The Planning Commission may refer to the applicable provision of Roberts Rules of Order for guidance for items not addressed by these Rules and Procedures.
- C. On specific agenda items, other than public hearings which are discussed in Section 9, the Chair may allow comments from the audience as appropriate. This usually occurs following a staff presentation and/or the completion of discussion by the Commission on the agenda item. Comments may be subject to the limitations noted in Section 3.A.

Section 9. Rules of Procedure for Public Hearings:

- A. *Presentation at the Hearing.*
 - 1. The Chair shall declare the Public Hearing open before the staff presentation is given. After the staff presentation and after everyone has had the opportunity to speak, the Chair shall announce that the hearing continues to remain open, but only for the benefit of the Planning Commission members who may seek further information during their deliberation. Reopening the hearing to give persons an opportunity to speak shall require a motion and a vote. If the hearing is reopened, the Commission may limit the topics to be addressed.
 - 2. Nature of Presentation:
 - a. Written Comments. Any person wishing to comment on an application may do so by submitting his/her written comments to the Department of Planning and Community Development before the hearing or the Chair during the hearing. These comments will become part of the official record and shall be considered by the Planning Commission in its action.
 - b. Oral Comments. The Chair shall permit any person to make a brief oral presentation at the hearing. Comments are limited to three minutes per speaker unless otherwise authorized by the Chair. The speaker shall first give his/her name and address.
 - 3. Questions from the Planning Commission. Members may question a speaker on any matter related to his/her comments.
 - 4. Questions from the Speaker. All comments and questions shall be directed to the chair.
- B. *Planning Commission Deliberation.* After all speakers have been heard, the Planning Commission shall close the public comment portion of the hearing, consider all the information and deliberate on the matter. This deliberation shall include:

2. The written comments received;
 3. Any presentation and discussion made at the hearing; and
 4. The staff report.
- C. *Planning Commission Recommendation.* After discussion and deliberation, the Commission shall make a recommendation to the City Council by a motion and approval of a majority of those members present. Once a motion for recommendation has been passed, the Chair shall declare the public hearing closed.
- D. *Continuance.* The Planning Commission may continue the matter by an affirmative vote of a majority of the members present on a motion to continue to a specific date.

Section 10. Amending the Rules of Procedure:

The rules of procedure may be amended at any regular meeting of the Planning Commission by a majority vote of the appointed members.

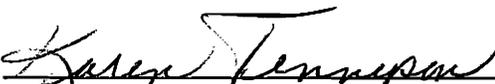
Section 11. Validity:

If any part or parts of these rules of procedure are found to be invalid, that part or parts will not invalidate the remainder of the rules.

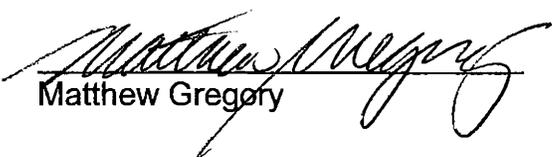
PASSED by the Planning Commission on the 25th day of January, 2007.



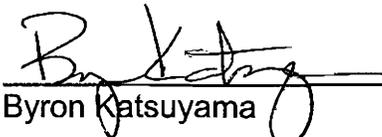
 Janet Pruitt, Chair



 Karen Tennyson, Vice-Chair



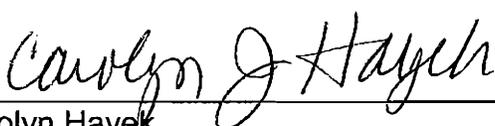
 Matthew Gregory



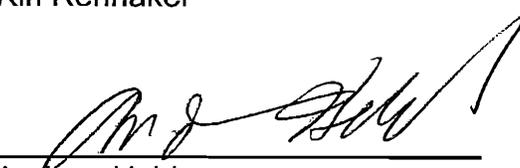
 Byron Katsuyama



 Kiri Rennaker



 Carolyn Hayek



 Andrew Held



City of Seattle Seattle Planning Commission

Barbara Wilson, Executive Director
Greg Nickels, Mayor

Seattle Planning Commission Ethics Management Plan

The Seattle Planning Commission (SPC) acts in accordance with the rules and policies outlined in;

- ✓ City Charter Article XIV sections 1-4 adopted in 1946 and amended on March 13, 1962 (City Charter),
- ✓ Enabling legislation ordinance 109155 (Enabling legislation),
- ✓ Seattle Municipal Code 4.16
- ✓ City of Seattle Planning Commission Bylaws amended in February 1996, approved by Mayor and City Council (Bylaws),
- ✓ SPC roles and functions (adopted by SPC resolution April 2002), and
- ✓ Federal, state and local laws and regulations that apply to appointed advisory bodies of public agencies.

Operating Procedures and Administrative Policies – Approved May 11, 2006

The Operating Procedures and Administrative Policies listed here are not intended to supersede the above mentioned documents, but rather to clarify the Planning Commission's specific administrative policies as they relate to ethics management.

- 1) **Transparency** - The Seattle Planning Commission shall continue to conduct its business in a manner which ensures that discussions, deliberations and the resulting advice and recommendations of the Commission are open and transparent to the general public. To ensure this the Planning Commission will do the following:
 - In accordance with SPC bylaws, all regularly scheduled meetings of the Commission shall be open to the public. On occasion, a Commission meeting, or a portion of a meeting, may be closed to the public in order to consider personnel matters or other matters exempt from the Open Meetings Act.
 - In accordance with Commission Section 13 of the SPC bylaws and Commission resolution 7/8/82, final decisions of the SPC will only be made at Full Commission meetings that are open to the public. As outlined in SPC Bylaws, "Decisions" include formal Commission positions, statements that go to City and other governmental officials (Mayor, Council, department directors, agency directors); SPC committee generated letters of comment if requested to come from the Full Commission and; formal SPC recommendations to City staff.
 - In accordance with the Open Meetings Act, The Planning Commission will give sufficient notice to the public about dates and locations of Full Commission meetings.
 - As is outlined in SPC Bylaws, Planning Commission meetings will allow for public comment. The Chair shall designate the appropriate time for public testimony and establish time limits for each speaker.
 - Planning Commission meeting notes will be prepared and made available in a timely manner.
 - As is required by SPC bylaws, all decisions of the Commission shall be evidenced in writing.

Open Meetings Act

Appearance of Fairness

2) **Disclosure of Interests** – Planning Commission advice is enhanced by its broad membership. Although Commissioners exhibit a variety of interests, professional experience and opinions, they act as individuals and represent the entire city as opposed to any particular special interest group or groups (Commission Resolution 7/8/82). The disclosure of interests and affiliations of Commissioners will help mitigate the appearance of a conflict of interest by better informing the public and the recipients of Seattle Planning Commission advice. The Commission’s disclosure process includes the following procedures;

- Planning Commissioners will disclose, for the record, an interest or affiliation that create conflict or may cause an appearance of conflict. Such disclosures will be clearly noted for the record.
- The Director and the Chair of the Planning Commission will ensure that regular opportunities for disclosure of interests are made for the record in Full Commission meetings.
- The Planning Commission as a whole will advise and/or seek advice for individual Planning Commissioners who disclose interests where there is a possibility of conflict of interest that may limit the individual’s participation in a matter which comes before the Planning Commission for advisory recommendations.
- Planning Commissioners will follow the rules for disclosure as outlined for advisory boards in SMC 4.16

3) **Conflict of Interest and Recusal** - Planning Commissioners shall act in accordance with appropriate conflict of interest rules and standards. The Commission conflict of interest and recusal process includes the following procedures;

- After appointment to the Commission, a Commissioner will review the policies, standards and bylaws which address operating procedures and ethical standards. The Commissioner will provide written verification for the record that these documents have been reviewed and understood. The Commissioners will also pledge in writing their willingness to act in accordance with said rules and standards.
- A Commissioner who has recused himself or herself from a matter before the Commission due to a conflict of interest will refrain from Commission deliberation in forming SPC recommendations or advice on the matter and will not vote on SPC recommendations or advice.
- A Commissioner who has recused him or herself from a matter before the Commission due to a conflict of interest will remove himself or herself from the room during the formation of formal SPC advice or recommendations.
- A Commissioner who has recused him or herself from a matter before the Commission due to a conflict of interest will refrain from engaging in conversation or communication with other members of the Planning Commission on the matter for which they have recused themselves.
- Commission members may recuse themselves from any matter or activity they choose even if there is not a conflict of interest.
- Planning Commissioners will follow the rules for recusal as outlined for advisory boards in SMC 4.16

4) **Representing the Planning Commission** – In accordance with the Seattle Planning Commission bylaws the Commission shall act as one entity in making and announcing its decisions.

- SPC Bylaws stipulate that the Chair will represent the Commission and the Commission shall act as an entity in making and announcing its decisions.
- In accordance with the SPC bylaws, no member other than the Chair shall speak or act for the Commission without prior authorization by the Chair.
- The Chair may delegate performance of duties to a Commission member or staff including representing the Commission to the media, the public and public officials.
- An action by the Chair may be overruled by a majority vote of the Commission members unless otherwise specified in the bylaws.
- When the Chair is absent or unavailable, the Vice Chair will perform the duties of the Chair.
- Individual commission members' may represent full Commission or Committee if authorized by the chair or the full commission. Such occasions may include representing the Planning Commission by providing testimony; attending meetings with Council, Mayor, and others; representing the Commission in public venues, acting as a SPC representative on special committees, task forces, or other activities as specified.
- Individual commission members' may speak as an individual Commissioner – reflect and inform about Commission positions and activities and on their own position as long as it is clear whether such position is or is not a Commission position.
- Individual commission members' may speak as an individual, clearly specifying they are speaking as an individual, or as an individual Planning Commissioner articulating their own views and concerns (e.g. I am speaking as an individual, not representing the Planning Commission.)
- Commissioners should acknowledge that being on the Planning Commission can be somewhat limiting to the extent that people view them in that role even if a disclaimer is provided .All personal statements should be made with the recognition that the Planning Commission does get judged by the actions and opinions of its members.

5) **Planning Commission membership composition** – The public interest is best served by a Planning Commission membership that represents a broad set of viewpoints, knowledge, experience and expertise. To that end the Planning Commission includes the following policies and procedures;

- The SPC's enabling legislation (ordinance 109155) states that it will "...Provide through its own broadly based membership an informed opinion to complement the work of the City's elected officials and administrative departments..." and that "its function shall be advisory only".
- In accordance with ordinance 109155 the Planning Commission membership as a whole shall "reflect a broad range of opinion, experience, and expertise with the objective of providing sound advice representative of the citizenry..." and "To achieve that purpose, it shall include residents from different neighborhoods within the City, at least one engineer or architect and an urban planner, and among others, members of ethnic minorities and citizens active in neighborhood or community affairs."
- In advance of a vacancy, the Commission shall actively work with the Mayor's Office in finding a replacement
- The Planning Commission membership will rotate on a regular basis in accordance with Ordinance 109155.



RULES OF PROCEDURE FOR ADVISORY COMMITTEES, BOARDS, AND COMMISSIONS CREATED BY ORDINANCE AND APPOINTED BY THE OLYMPIA, WASHINGTON CITY COUNCIL

Approved by the Olympia City Council General Government Committee: July 22, 2008

As used herein, the term "committee" refers to all advisory committees, boards, and commissions created by ordinance and appointed by the Olympia, Washington City Council, unless specifically referring to the City Council's General Government Committee.

Wherever there is a conflict between the statute and these rules, the statute shall control. In certain circumstances, especially with the Planning Commission and Heritage Commission acting in a quasi-judicial capacity, it is recognized that the committee may need to deviate from these rules in order to meet legal and constitutional requirements. In recognizing that certain flexibility may be needed from time to time, a failure to strictly comply with these rules shall not affect the validity of a committee action.

Article 1. MEETINGS

1.a. Meeting Location

All committee meetings will be held at a specified location in a City of Olympia facility, unless otherwise scheduled and noticed by the committee Chair or the committee's staff liaison on behalf of the Chair. In the case of an alternative meeting location, the staff liaison shall notify in writing the committee's members, City Council, the City Manager's office, and any other pertinent City staff. All meetings shall be open to the public and comply with the State Open Meetings Act (RCW 42.30).

1.b. Date and Time

Regular meetings shall be held on a specified monthly day or date and time, unless amended by the committee. Special meetings, workshops, and community tours may be held at the committee's discretion by request of the Chair or by majority approval of the committee at a regular meeting. Public notice consistent with Olympia City ordinance and State law shall be given for a special meeting, workshops, and tours. Regular meetings may be cancelled by request of the Chair or by majority approval of the committee at a regular or special meeting. A meeting may also be cancelled by the Chair upon notice from staff or committee members that no quorum is reasonably expected to be present or when there is no item on the agenda other than routine formalities, such as adoption of the minutes, provided that appropriate notice is given.

1.c. Meeting Notice and Agenda

Written notice of all meetings with an agenda of matters to be considered by the committee shall be sent at least five calendar days before the meeting to the committee, City Council, the City Manager's office, any other pertinent City staff, news media who have requested to be notified of City of Olympia public meetings, and other interested parties identified by the committee. Notices of meetings and agendas should be posted on the City's website in advance of meetings.

At the conclusion of each meeting, any member may suggest item(s) to be added to an agenda for consideration at a subsequent meeting. A majority of members must concur with the suggestion for the item(s) to be added to a subsequent meeting agenda.

The meeting agenda will generally follow this format, with changes to the format the prerogative of the committee Chair:

AGENDA

I. Call to Order

- A. Attendance
- B. Approval of Minutes
- C. Announcements from Members and City Staff
- D. Acceptance of Agenda

II. Comments from the Public in Attendance

III. The Business of the Evening

IV. Other Business

- A. Future Agenda Items
- B. Next Meeting
- C. Other Topics

1.d. Public Hearings

Committees may schedule public hearings to receive testimony on policy issues approved by the City Council as part of the committee's annual work plan or referred to the committee by the City Council after work plan approval. No committee public hearings may be scheduled on Tuesday evenings when the City Council is in session.

1.e. Minutes

Meeting minutes should be kept indicating the committee action or recommendation, indicating the individual votes on the agenda item.

ARTICLE 2. COMMITTEE ORGANIZATION

2.a. Membership

Membership on the committee shall be governed by the committee's enabling ordinance. The committee shall immediately report any vacancies to the Chair of the City Council's General Government Committee, with a copy to the City Manager or City Manager's office designate.

2.b. Attendance

Members are expected to attend committee meetings and to fully participate in and contribute to the work of the committee. If a member is absent for three consecutive meetings or 35% of meetings within a calendar year, whether excused or unexcused, the Committee Chair shall notify and discuss the situation with the Chair of the City Council's General Government Committee. The City Council may choose to revoke the committee member's appointment.

2.c. Election of Officers (Excluding the Lodging Tax Advisory Committee)

Except for the Lodging Tax Advisory Committee, officers of the committee shall consist of a Chair and Vice Chair or Co-Chairs selected from members of the committee by consensus or by a majority vote if consensus cannot be reached. The officers shall be selected at the committee's regular meeting in November or December. The officers shall serve for a one-year term of office beginning in January.

2.d. Duties of the Chair and Vice Chair, or Co-Chairs

The Chair or Co-Chairs shall preside over the meetings and will exercise all powers usually incident to the office, including coordination of meeting agendas with the City's designated staff. The Chair, or consensus of the committee, may create standing or temporary committees to examine, investigate, and inquire into subjects of interest to the committee. The Chair retains full rights and responsibilities to participate in deliberations and votes of the committee.

The Vice Chair shall, in the absence of the Chair, perform all duties of the Chair at the meeting. In the absence of the Chair and Vice Chair or both Co-Chairs, members present may select a temporary Chair to preside at the meeting.

2.e. Subcommittees

Subcommittees may be formed by consensus or majority vote of the committee to better conduct business on the committee's work plan. Members of a subcommittee serve at the pleasure of the committee and are subject to the same conditions as Council-appointed committee members. Any standing or temporary committees shall be chaired by a member of the committee. Temporary or standing committees of the committee may have ad hoc

members, provided the names of the ad hoc members are reported to the full committee for their review and approval prior to appointment. The Chair of the City Council's General Government Committee shall be notified when ad hoc members who are not a current member of the committee are appointed to a subcommittee.

ARTICLE 3. COMMITTEE OPERATIONS

3.a. Quorum

A simple majority of the committee members is required to be present at a meeting in order for the committee to conduct business and reach a decision. Meetings with less than a simple majority may be conducted; however, no official actions may be taken. If action is taken by a vote of the committee, it shall consist of a simple majority of the quorum (members present).

3.b. Robert's Rules of Order

The committee process for taking action will generally be guided by the latest revised version of Robert's Rules of Order. However, a meeting need not become unduly cumbersome due to strict adherence to Robert's Rules.

3.c. Testimony at Public Hearings

Testimony at Public Hearings shall be conducted in a manner similar to the Olympia City Council. Individuals wishing to testify at a public hearing shall register in advance of the start of the meeting on a form provided by the committee. Testimony shall be limited to a maximum of three minutes per speaker or to a lesser duration with simple majority consent of the committee members present at the meeting. Speakers may not cede all or a part of their time to another speaker. The Chair or Co-Chair has the discretion to determine the overall length of time for the public hearing and the order in which speakers shall testify, to ask speakers to confine their comments to the Public Hearing topic, and to take other actions to conduct the Public Hearing in a fair manner and within a reasonable length of time. If the overall length of time for the public hearing appears to the Chair to be insufficient for all present to provide oral testimony, the Chair should announce before adjourning the meeting the alternative forms in which testimony will be accepted by the committee from those present and any deadline for testimony submittal. In quasi-judicial proceedings, the chairs of the Planning Commission and Heritage Commission may deviate from these rules so that there may be a fair hearing in light of the specifics of the proposal.

3.d. Testimony at Public Communication during Committee Meetings

Testimony at Public Communication shall be conducted in a manner similar to the Olympia City Council. Testimony will not be accepted on items for which the committee has held a public hearing in the previous ninety (90) days or for

which the committee has scheduled a public hearing in the upcoming ninety (90) days. The Chair or Co-Chair has the discretion to determine the overall length of time for Public Communication and the order in which speakers shall testify, to ask speakers to confine their comments to committee business, and to take other actions to allow the public to communicate with the committee in a fair manner and within a reasonable length of time.

3.e. Work Plan and Reports

The committee shall provide an annual work plan within guidelines and in a format established by the City Council's General Government Committee and a copy of any other appropriate reports to the City Council for review and approval. The Committee Chair shall notify the Chair of the City Council's General Government Committee if the committee anticipates a change in timing or substance of an approved work plan item.

3.f. Recommendations

The committee may make recommendations to the City Council, the City Manager's office, City staff, and other City committees as may be appropriate, with the City Council copied on all written communication. The Chair shall determine whether the committee's recommendation and opinion is to be stated solely within the body of the staff transmittal memorandum to City Council or as a separate memorandum approved by the Chair. The memorandum shall indicate the committee vote on the item. The Chair shall determine who will present the committee's recommendation to the City Council in public meeting.

3.g. Majority and Minority Opinions

A minority report may accompany any voted decision. Majority and minority opinions will be stated in the committee's minutes. When a recommendation from the committee is forwarded to the City Council, the vote tally and majority and minority opinions will be disclosed.

3.h. Act as a Body

The committee shall act as a body. A member, when representing the committee, may speak or act for the committee in accordance with action previously taken by the committee. The Chair, or Chair's designee, shall serve as official spokesperson of the committee.

3.i. City Administrative Guidelines

The City of Olympia Administrative Guidelines for 1) Compliance with State and Federal Discrimination Laws (#CSF) and 2) Standards of Conduct (#24) apply to committee members in their capacity as a City of Olympia volunteer.

3.j. Rules of Procedure and Ordinance Review

The committee shall annually review its ordinance and Rules of Procedure. The committee Chair shall report any recommendations to the Chair of the City Council's General Government Committee.

ARTICLE 4. STAFF

City staff assigned by the City Manager or designee shall provide technical support to the committee. Staff will provide information, data, trends analysis, etc., necessary for the committee to make decisions. Staff may provide alternatives and professional recommendations to the committee on various matters before the committee. Staff will prepare minutes of each meeting. Staff will also provide, as necessary, tours of the community's infrastructures and prepare information for the committee's review.

Planning Commission Orientation Manual**Chapter 4: Tips for Being an Effective Planning Commissioner****IV. A Welcome to the Commission! Booklet**
B Effective Commissioners' Do's and Don'ts**EFFECTIVE COMMISSIONERS****DO**

1. Talk with staff about major issues and questions prior to public meetings
2. Support staff even though you may not agree with their viewpoint or information
3. Have an open mind to other commissioner's thoughts even if you rarely agree with them
4. Take a broad based view of community interests
5. Spend time on policy issues
6. Clarify the decision to be made, if necessary
7. Reflect on previous actions in order to maintain consistency
8. Have an awareness of staff's strengths, and weaknesses and biases
9. Separate fact from opinion
10. Define the role of the Chairperson
11. Put your issues on the table
12. Read agenda staff reports before the meeting

DON'T

1. Surprise staff with questions or issues which require preparation
2. Question staff's expertise or issues which require preparation
3. Block out statements by a commissioner with views contrary to yours
4. Represent a constituency
5. Tackle the technical and administrative issues
6. Not know or ask what has to be decided
7. Act on matters without considering precedents
8. Take staff's view as gospel
9. Confuse fact with opinion
10. Refuse to discuss or let discussion evolve haphazardly
11. Work from a hidden agenda
12. "Wing it" at the meeting

IV. C An Effective Team

When people work together (whether a board, committee, task force, etc.), they are either a:

- Collection of individuals—all with their own goals who go their own direction
- Group—characterized by a leader with goals which everyone follows
- Team—has clearly expressed/understood expectations of each other and a common mission/purpose, goals and objectives

CHARACTERISTICS OF AN EFFECTIVE TEAM

An effective team's members:

- Are committed to the mission/purpose
- Trust each other
- Communicate openly
- Respect each other and individual differences
- Share ideas and feelings
- Deal with conflict as soon as it occurs
- Readily use consensus (may reach consensus and then take a vote rather than making motions and voting initially)
- Talk positively about the organization, team, and each other
- Frequently use, "we," "us" and "our" rather than "I," "me" and "mine"
- Praise each other with specific, descriptive examples
- Follow-through and if they can't then say so in the beginning
- Respect each other's time

Planning Commission Orientation Manual

Chapter 4: Tips for Being an Effective Planning Commissioner

IV. E Planning Commission/Elected Officials/Staff Relations

- ◆ Communicate, communicate, communicate
 - ✓ Begin with the basics
 - ✓ Assume nothing, be explicit
 - ✓ Persevere
- ◆ Establish and remember a shared mission
 - ✓ Define your mission with staff and elected officials
 - ✓ Regularly review both upcoming and past work program elements
 - ✓ Jointly evaluate your success in achieving your mission
- ◆ Insist on structure and direction in the planning process
 - ✓ Know what kind of decision is being requested
 - ✓ Know the ultimate product of the planning process
 - ✓ Look for milestones or other measures of progress
- ◆ Provide structure and direction in your recommendations
 - ✓ Before deliberating, clearly define the questions that the Commission will address
 - ✓ Be brief and clear in your direction to staff
 - ✓ Ask for a re-statement of direction from staff
- ◆ Focus on policy issues
 - ✓ Keep fundamental question of public benefit and private cost in mind
 - ✓ Stay above the mechanical details
 - ✓ Remember that planning staff are technical experts and you are the policy expert
- ◆ Accept conflict in a matter-of-fact manner
 - ✓ When appropriate, try to resolve issues outside of the traditional public hearing format
 - ✓ Disagree without being disagreeable
 - ✓ Be honest when agreement cannot be reached
- ◆ Stay engaged
 - ✓ Look for educational and development opportunities
 - ✓ Stay interested in and excited about your role
 - ✓ Be prepared for meetings
- ◆ Nurture your relationships with staff, elected officials and the public
 - ✓ Provide meaningful feedback
 - ✓ Choose your battles
 - ✓ Remember the long term relationship
- ◆ Aim for a realistic "batting average"
 - ✓ Don't expect success all of the time
 - ✓ Celebrate the achievements
 - ✓ Remember Ty Cobb.

Source: Deborah Munkberg, AICP

Planning Commission Orientation Manual

Chapter 4: Tips for Being an Effective Planning Commissioner

IV. F The Riggins Rules

By Fred Riggins

SUGGESTED DO'S AND DON'TS FOR THE CONDUCT OF PUBLIC HEARINGS AND THE DEPARTMENT OF MEMBERS OF BOARDS, COMMISSIONS, AND OTHER BODIES.

Editor's Note: The "Riggins Rules" were brought to my attention by Bev Moody. Bev spent 26 years with the City of Phoenix Planning Department before moving to his current position with the Arizona Department of Commerce. During that time he knew the late Fred Riggins, a former Chairman of the Phoenix Planning Commission and author of these "Suggested Do's and Don'ts" (since re-titled the "Riggins Rules" in his honor). Bev Moody notes that the Riggins Rules have been left just as Fred Riggins wrote them in 1967 "because in their bluff, crusty, no-nonsense style, the man himself shines through." As Bev further explains, "you may notice that Mr. Riggins did not follow the principles of non-sexist language that prevail today, please be forgiving as he was raised in and wrote these in less sensitive times—and it doesn't detract from the good advice he offers."

1. **Don't accept an appointment or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent** of the regular and special meetings, including inspections trips, briefings and public functions where your presence is expected. If your participation falls below 85 percent during any six months' period, you should tender your registration. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions and you are making other people do your work for you and assume you're not inconsiderable responsibility. Your effectiveness and the regard given to your opinions by other members will be in direct ratio to your attendance.
2. **Do create a good impression of city government.** Remember that this is the first important contact that many of the people in the audience have had with the administration of their city and for some this is the most important matter in which they have ever been involved. Many will never be back again and many will never have such contact and experience. Your performance will create in their minds the picture which they will always carry with them of "the way the city is run." Make it as pleasant and comforting a picture as possible.
3. **Do be on time.** If the hearing is scheduled at 7:30, the gavel should descend at the exact hour and the hearing begin if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.
4. **Don't dress like a bum.** Shave, wear a tie, and remember that a coat is never out of place. The people in the audience think you are a very important person. Don't disappoint them by your appearance, conduct, and attitude.
5. **Don't mingle** with friends, acquaintances, unknown applicants, or objectors in the audience before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with. When the other fellow's case comes up and you deny it, he says, "Well its easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save your socializing and fraternizing for some other time and place.
6. **Don't discuss a case privately** and as a single member of a body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event that it is not, be very non-committal, don't be too free with advice, and by all means explain that you are only one member of the body, that you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you have no way of knowing what opposition there may develop or what will occur at the public hearing.
7. Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing. Even if the case looks pretty good to you, it is wise to be pessimistic about his chances of securing approval. If you give him any

IV. F The Riggins Rules

encouragement and any advice and he is then denied, he will hate you until your dying day and tell everyone in town that he did just exactly what you told him to do and then, like a dirty dog, you voted against him.

8. **Do your homework.** Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.
9. **Don't indicate by word or action how you intend to vote** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objections, and comments by members of the staff. During this period your body is the judge and the jury and it is no more appropriate for you to express an opinion as to the proper decision, prior to hearing all of the testimony, than it would be for a judge or jury member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of the defendant. This is not clearly understood by a majority of persons sitting on hearing bodies.
10. It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument. One does not say, "I happen to know that the applicant has no intention of placing an apartment building on this site. In fact, it has been sold subject to zoning and the purchaser intends to put a mobile home park there if he can get a special permit." Rather than this, one could say, "We have been furnished with some information which indicates that perhaps your plans are not too firm regarding the development you propose. In fact, there are some who are concerned about a rumor that the property is being sold and that the new owner planned to put a mobile home park at this location, if he can secure the necessary permit. Would you care to comment on this concern of the neighborhood and tell us if there is any truth in this rumor?" The same result is accomplished, the information is brought out and made part of the record and you don't look as if you are leading the attack to secure defeat of the applicant's request.
11. **Don't fail to disqualify yourself** if either directly or indirectly you have any financial interest in the outcome of the hearing, and let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, do not state your reasons inasmuch as the mere stating of your reasons can be constructed as exerting undue influence on your fellow members. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.
12. **Do rotate the seating in some regular manner** each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him. This will also prevent the forming of little cliques or a not infrequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case, to the great detriment of the applicant, the City and other interested parties.
13. **Do be polite and impartial**, as helpful as possible to the nervous, the frightened and the uneducated, and patient with the confused.
14. **Do be attentive.** Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes, and studying unrelated papers.

Planning Commission Orientation Manual

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15. **Don't interrupt a presentation** until the question period, except for very short and necessary clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you can force yourself to be quiet for a few minutes. You can wreck his whole case by a long series of unnecessary questions at the wrong. He will be your enemy forever.
16. **Don't permit more than one person** at the podium and microphone at any one time.
17. **Don't permit a person to directly question or interrogate other persons in the audience.** All questions should be addressed to the Chair and to the hearing body. When this person has finished his discussion and stated the questions to which he would like to have answers, then the Chair will permit those who care to make an answer to come forward and do so, but only voluntarily. Do not permit anyone to demand answers to all and sundry questions, especially if it is obviously done for the purposes of harassment.
18. **Don't use first names** in addressing anyone at all during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or best friend. Nothing, repeat nothing creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy-buddy deal" is about to be consummated. If you just can't bring yourself to calling someone Mr. or Mrs., use the third form and call him "the applicant," or "the person who is objecting," or "the gentleman (or lady)," who is appearing here in connection with the case.
19. **Do show great respect for the chair,** always addressing the Chairman as "Mr. Chairman," "The Chairman," or "Chairman Jones," and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.
20. **Don't be critical** of attorneys who sometimes feel impelled to give unnecessarily lengthy presentations on behalf of their clients. Avoid the strong temptation to make matters as difficult as possible for them. They are just trying to make a living and must convince their clients that they are really earning the rather substantial fee which they feel their service merits.
21. **Don't indulge in personalities** and don't permit anyone else to do so
22. **Don't try to make the applicant or any other person appearing before you look like a fool** by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.
23. **Don't become involved in altercations.** Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings, you are immediately involved in a fight. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and the jury. In most cases, it is sufficient to say, "thank you very much for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone who wishes to be heard?"
24. **Do invite interested persons to come forward** where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.
25. **Do not permit people to speak from the audience.** If it is important enough for them to speak

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at all, it is important enough for them to be recognized, come forward, give their name and address and say what they care to, if their remarks are pertinent.

26. **Do not permit people to leave the podium and microphone** and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body; the others are uncertain about what's going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.
27. **Don't become involved in neighborhood quarrels** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be mad at you. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal, hearsay, and not pertinent to the matter being heard.
28. **Don't be vindictive** and "punish" the applicant for some real or imagined affront to you or your Body on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that he is there legally, he has a right to be heard, and he has a right to a fair and impartial hearing on the merits of his present case without reference to something which he might or might not have done in the past or will perhaps do in the future.
29. **Don't try to be a hero** to beautiful women, little old ladies, widowed mothers with tiny infants in their arms, and the financially and socially distressed. Be sympathetic, but objective, and don't get carried away with such a strong desire to help that you throw the rule book out the window. Ninety-nine times out of a hundred you will do them some questionable service at the expense of their neighbors or the City and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules
30. **Don't assume the role of a fairy godfather** to those who have become involved in bad business deals or other self-imposed difficulties.
31. **Do not fail to give a reason** when making a motion for approval or denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.
32. **Do not take staff recommendations lightly.** These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by you and your predecessors. The recommendations of a good staff in possession of all the facts will almost always produce a technically correct recommendation. Your job is to temper this recommendation with information developed during the hearing which was not available to the staff. It is not unusual for a staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendation prior to hearing any testimony and always make appropriate mention of it in the final decision.
33. **Don't forget that the staff is there to help you** in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

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34. **Don't try to answer technical questions** even if you are sure you know the answer. You probably don't and will wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-by-day working experience with all pertinent ordinances and can nearly always give a timely, up-to-the-minute, professional dissertation on any subject in their field. And besides, it makes them more important and helps create an image of competency which is most helpful in assuring the public that their case has received more than a cursory glance and an arbitrary decision.
35. Lay members of a hearing body who "explain" ordinances to the audience unusually wind up their less than accurate remarks with the pretty lame comment, "That's the way I understand it and if I am wrong, I would appreciate it if the staff would correct me." The staff usually does correct them, and ordinarily at some length. Don't try to show how smart you are, because you're not.
36. **Don't try to ease your conscience** and toss the applicant a bone by granting him something less than he asked for, something he doesn't want, and something he can't use. In all cases where it is appropriate, give him what he asked for or deny it. To do otherwise will encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applicants as filed will result in much more realistic requests and make your job much easier.
37. **Do vote by roll call**, except for routine administrative matters. This is wonderful character training for each member of the body and emphasis the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "aye" or "nay" in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the Secretary to record, doesn't mean anything on a tape recording, is many times quite more confusing, and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.
38. **Don't show any displeasure or elation**, by word or action, over the outcome of a vote. This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of a Body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.
39. **Do discourage any postmortem remarks** by applicant, objectors, or members after the final vote and decision is announced, especially those afterthoughts designed to reopen the case. It will invariably result in an unpleasant wrangle. Just say, "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next case on the agenda will be _____."
40. **Do not hesitate to continue a case** or take it under advisement if more information or greater deliberation is truly necessary, but do not use these administrative actions merely to avoid or delay making a decision before hostile applicant or audience.
41. **Do sit down and have a long soul searching session** with yourself if you find that you are consistently "out in left field," that no one seems inclined to second your profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, possible, and just.

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Don't select chairmen on a seniority basis alone and don't pass the office along from member to member as a reward or honor. The nicest guy in the world, the hardest working, the most interested and your most valuable member can be indescribably horrible in the Chair. This is just one of those facts of life which are hard to explain, but unfortunately, all too true. As occasion present itself, give prospective chairmen a chance to preside, head up a sub-committee, report on special projects, and otherwise prepare themselves and demonstrate their abilities and leadership under pressure.